

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

FEB 19 2021

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

JAMES TERRY HENRIKSON, AKA
James Henricksen, AKA Cole Johnson,
AKA James Vanderbilt,

Defendant-Appellant.

No. 20-30252

D.C. No. 2:14-cr-00124-SMJ-1
Eastern District of Washington,
Spokane

ORDER

Before: FERNANDEZ, BYBEE, and BADE, Circuit Judges.

Appellant's "motion for injunction pending appeal" (Docket Entry No. 4) is denied. *See Nken v. Holder*, 556 U.S. 418, 425-26 (2009).

A review of the record indicates that the appointment of counsel for appellant would benefit the court's review. Therefore, the court appoints counsel sua sponte. By this order, the court expresses no opinion as to the merits of this appeal. Counsel will be appointed by separate order.

The Clerk will electronically serve this order on the appointing authority for the Eastern District of Washington, who will locate appointed counsel. The appointing authority must send notification of the name, address, and telephone number of appointed counsel to the Clerk of this court at

counselappointments@ca9.uscourts.gov within 14 days of locating counsel.

The Clerk will strike the pro se opening brief at Docket Entry No. 3.

The briefing schedule is reset as follows: counsel's opening brief and any excerpts of record are due April 5, 2021; the answering brief is due May 5, 2021; and the optional reply brief is due within 21 days after service of the answering brief.

Among other issues, counsel for appellant must address whether any of the funds seized from Henrikson's inmate trust account were comprised of accumulated prison wages and, if so, whether those wages were properly ordered transferred to the government under 18 U.S.C. § 3664(n). *See United States v. Hughes*, 914 F.3d 947, 951 (5th Cir. 2019).